

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

GARY CARL SIMMONS, JR.

PETITIONER

VS.

CIVIL ACTION NO. 1:04CV496HSO

CHRISTOPHER B. EPPS, Commissioner,  
Mississippi Department of Corrections,  
LAWRENCE KELLY, Superintendent,  
Mississippi State Penitentiary and JIM  
HOOD, Attorney General of the State of  
Mississippi

RESPONDENTS

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**FINAL JUDGMENT**

This matter came on to be heard on Petitioner Gary Carl Simmons's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The Court finds that in accord with its Memorandum Opinion and Order entered herewith,

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, Gary Carl Simmons's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is hereby **DENIED**.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Judgment is hereby entered pursuant to Rule 58 of the Federal Rules of Civil Procedure. This case is hereby dismissed with prejudice.

**SO ORDERED AND ADJUDGED**, this the 26<sup>th</sup> day of September, 2008.

*Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE